



County of Los Angeles CHIEF EXECUTIVE OFFICE

Kenneth Hahn Hall of Administration
500 West Temple Street, Room 713, Los Angeles, California 90012
(213) 974-1101
<http://ceo.lacounty.gov>

WILLIAM T FUJIOKA
Chief Executive Officer

October 30, 2012

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**DEPARTMENT OF PUBLIC WORKS:
DAN BLOCKER BEACH - PARCEL 1-4PP
GENERAL IMPROVEMENTS PROJECT
LOCATED IN THE CITY OF MALIBU
ADOPT MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM; APPROVE PROJECT;
APPROVE AND ORDER PUBLICATION OF NOTICE OF INTENTION TO
PURCHASE REAL PROPERTY; AND APPROVE RELATED ACTIONS
SPECS. 6622; CAPITAL PROJECT NO. 77367
(THIRD DISTRICT) (3 VOTES)**

SUBJECT

Approval of the recommended actions will adopt the Mitigated Negative Declaration, approve the proposed Project, and authorize purchase of land for development of the Dan Blocker Beach General Improvements Project.

IT IS RECOMMENDED THAT THE BOARD:

1. Consider the Mitigated Negative Declaration for the Dan Blocker Beach General Improvements Project together with any comments received during the public review period; find that the Mitigated Negative Declaration reflects the independent judgment and analysis of the Board of Supervisors; adopt the Mitigation Monitoring and Reporting Program, finding that the Mitigation Monitoring and Reporting Program is adequately designed to ensure compliance with the mitigation measures during project implementation; and find on the basis of the whole record before the Board of Supervisors that there is no substantial

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Board of Supervisors
GLORIA MOLINA
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Third District

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Fourth District

MICHAEL D. ANTONOVICH
Fifth District

evidence the Project will have a significant effect on the environment and adopt the Mitigated Negative Declaration.

2. Approve the Dan Blocker Beach General Improvements Project and approve the Notice of Intention to purchase real property at 26200 Pacific Coast Highway, Malibu, from Mansard Holdings, Inc., consisting of a total undeveloped land area of 32,560 square-feet for a purchase price of \$400,000.
3. Instruct the Executive Officer of the Board of Supervisors to publish the Notice of Intention in accordance with Government Code Section 6063.
4. Find that the property described in the Notice of Intention is needed for a public purpose.

IT IS FURTHER RECOMMENDED THAT, AT THE TIME OF CONSUMMATION, THE BOARD:

5. Set November 27, 2012, as the date of the public hearing to receive comments and consummate the acquisition.
6. Authorize the purchase consummated in accordance with Government Code Section 25350.
7. Authorize the Director of Public Works, or her designee, to open and manage escrow, execute any required documentation necessary to complete the transfer of title to the County, and accept the deed conveying title to the County.
8. Authorize the Auditor-Controller to issue a warrant to cover the purchase price of \$400,000 for the real property and any other required transactional costs or escrow fees, which are estimated not-to-exceed \$7,000.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions will adopt the Mitigated Negative Declaration (MND), approve the proposed Dan Blocker Beach General Improvements Project (Project), and authorize purchase of land from Mansard Holdings, Inc. (Mansard), for development of the proposed Project.

Proposed Project

The proposed Project will consist of improvements to an undeveloped bluff area on one of the four noncontiguous parcels of Dan Blocker Beach located at 26200 Pacific Coast Highway in Malibu to provide improved public beach access. The improvements will include construction of a new 15-space parking lot, a 242 square-foot public restroom building with an underground on-site wastewater treatment system, and a pedestrian beach access ramp complying with the Americans with Disabilities Act from the bluff top down to the beach consisting of a concrete ramp supported on piles. In addition, the bluff top will include site amenities, such as a small picnic area, public view areas, a bike rack, walkways, and landscaping improvements.

The construction documents for the proposed Project have been completed and submitted to the jurisdictional agencies for approval. Since the proposed Project is located in the coastal zone and within the City of Malibu (City), the County will be required to obtain a Coastal Development Permit pursuant to the City's Local Coastal Program. The recommendation to adopt the MND is required for the land acquisition and for the City to process the Coastal Development Permit to allow the implementation of the proposed Project.

Following completion of the jurisdictional approvals tentatively scheduled for January 2013, we will return to the Board for approval of the proposed Project budget, adoption of the plans and specifications, and authorization to advertise for construction bids. Construction of the proposed Project will be completed using a qualified construction contractor through the County's competitive low bid process.

Land Acquisition

The property located at 26200 Pacific Coast Highway, between Corral Canyon Road and Latigo Canyon Road, in the City of Malibu, is privately owned by Mansard and is proposed to be acquired for development of the proposed Project. The property consists of a total land area of 32,560 square-feet of undeveloped land located within the dedicated right-of-way of Pacific Coast Highway. The property is encumbered with a Caltrans easement limiting its use to public road and highway purposes. However, Caltrans has no objections to the County's planned use of the property for development of the proposed Project to provide improved public beach access to Dan Blocker Beach.

The Department of Public Works (Public Works), Property Management Division received an appraised unit value, which was agreed to by all parties. The negotiated purchase price of \$400,000 is equal to 10 percent of the appraised value and reflects easement considerations. Public Works Property Management Division has agreed that 10 percent of the appraised value is reasonable and County Counsel has concurred.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1) and Integrated Services Delivery (Goal 3) by investing in public infrastructure that will enhance recreational opportunities for County residents and visitors by providing improved public beach access at Dan Blocker Beach.

FISCAL IMPACT/FINANCING

The total purchase price for the undeveloped land is \$400,000, and approximately \$7,000 for the related title and escrow costs to consummate the transaction.

The total proposed Project cost, including land acquisition, plans and specifications, plan check, construction, consultant services, miscellaneous expenditures, and County services, is currently estimated at \$5,500,000. We plan to return to the Board in February 2013 to request approval of a total proposed Project budget and authorization to advertise for construction bids. The proposed Project Schedule and Budget Summary are detailed in Attachment A.

Sufficient appropriation is available in the Fiscal Year 2012-13 Capital Project/Refurbishment Budget for the Project (Capital Project No. 77367) to fund the land acquisition. The Project will be funded \$1,243,000 with prior year net County cost, \$700,000 with the Safe Neighborhood Parks Proposition of 1996, and \$3,557,000 with the Vehicle License Fee Gap Loan Special Fund.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

Pursuant to Government Code Section 25350, the attached Notice of Intention (Attachment C) will be published in accordance with Government Code Section 6063 for the intended action to purchase real property, and a public hearing will be held on November 27, 2012, for the Board to receive comments prior to consummating the acquisition.

Mansard has executed an Agreement to Convey and Claim for Payment Form with the Public Works acknowledging the terms and conditions of the tentative agreement for sale of the property. As part of the escrow process, Mansard will deposit into escrow an executed deed conveying the land to the County. The original deed will be approved and accepted by the Director of Public Works, or her designee, which will complete the transfer of title to the County.

Public Works, in accordance with Title 7, Division 1, Chapter 3, Article 7, Section 65402(b) of the Government Code; and notice under Title 22, Section 22.36.10 of the Los Angeles County Code as required for public agencies when acquiring real

property interests for public purposes, has provided notification to the City's Planning Division of the County's intent to acquire the real property. The City acknowledged that the subject parcel would be considered within public open space designation, thus within the City's General Plan.

County Counsel has approved all documents in this transaction as to form.

ENVIRONMENTAL DOCUMENTATION

An Initial Study was prepared for the proposed Project in compliance with the California Environmental Quality Act (CEQA). The Initial Study identified potentially significant effects of the proposed Project on air quality, biological resources, and geology and soils. Prior to the release of the proposed MND and Initial Study for public review, revisions in the proposed Project were made or agreed to which would avoid these effects or mitigate them to a point where clearly no significant effects would occur, as follows:

- **Air Quality:** Water and sweep the street for dust control, suspend excavation and grading during high winds, and use, maintain, and operate construction equipment to minimize exhaust emissions.
- **Biological Resources:** Should construction activities occur during breeding season for certain migratory birds, a preconstruction survey shall be performed by a qualified biologist to protect active bird nests within 300 feet of the construction area and establish buffer areas to be avoided by construction activities.
- **Geology and Soils:** Design and construct the proposed Project in accordance with the proposed Project specific geotechnical reports and wave-run up and coastal analysis report.

The Initial Study and proposed Project revisions showed that there is no substantial evidence, in light of the whole record before the County, that the proposed Project as revised may have a significant effect on the environment. Based on the Initial Study and proposed Project revisions, an MND was prepared for this proposed Project. The proposed Mitigation Monitoring and Reporting Program (Section 5 of Attachment B) was prepared to ensure compliance with the environmental mitigation measures included as part of the final MND (Attachment B) relative to these areas during Project implementation.

Since public circulation of the Draft Initial Study/MND, the proposed Project scope has been refined based on the completed design. The proposed Project scope now includes the construction of a picnic area and public restroom facility with an on-site

wastewater treatment system, which were originally included as an option and evaluated in the circulated Draft Initial Study/MND. In addition, the location and alignment of the beach access ramp has been refined based on additional geotechnical and coastal studies completed for the proposed Project. The refined proposed Project scope and associated environmental impacts have been evaluated and included in the final MND. Revisions to the MND were also made to address adopted changes to the State CEQA Guidelines, which occurred following public circulation of the document. The proposed Project revisions do not result in any new significant impacts or an increase in the severity of the previously identified project impacts. Some of the previously proposed mitigation measures that have already been fulfilled or incorporated as part of the completed final design have been eliminated as they are no longer necessary or applicable. Additionally, minor changes of certain existing mitigation measures were made for clarity; however, the mitigation remains substantially the same.

The proposed Project refinements made and included in the final MND since public circulation would not result in any new avoidable significant effects, and previously proposed and clarified mitigation measures and proposed Project revisions will ensure that all significant environmental effects are reduced to below the level of significance. Therefore, recirculation of the final MND is not required pursuant to Section 15073.5 of the State CEQA Guidelines.

Public Notice was published in the Malibu Times on October 21 and 28, 2010, pursuant to Public Resources Code Section 21092 and posted pursuant to Section 21092.3. During the 30-day comment period, which started on October 18, 2010, and ended on November 16, 2010, comment letters were received from two public agencies (City of Malibu and the Department of Transportation-Caltrans), two additional agencies (Resource Conservation District of the Santa Monica Mountains and Santa Monica Mountains Conservancy), and three members of the public. After the comment period, written responses were received from the County of Los Angeles Sheriff's Department and the California State Lands Commission. All comments received, as well as responses to the comments, are contained in the final MND (Section 6 of Attachment B) and have been sent to the commenting public agencies pursuant to Section 21092.5 of the Public Resources Code.

The location of these documents and other materials constituting the record of the proceedings upon, which the Board's decision is based in this matter, is the County of Los Angeles Department of Public Works, Project Management Division I, 900 South Fremont Avenue, 5th Floor, Alhambra, California 91803. The custodian of such documents and materials is Ed Andrews, Project Manager, Public Works.

The proposed Project is not exempt from payment of a fee to the California Department of Fish and Game pursuant to Section 711.4 of the Fish and Game Code to defray the costs of fish and wildlife protection and management incurred by the California Department of Fish and Game. Upon the Board's adoption of the MND, Public Works will file a Notice of Determination in accordance with Section 21152(a) of the California Public Resources Code and pay the required filing and processing fees with the Registrar-Recorder/County Clerk of approximately \$2,177.

CONTRACTING PROCESS

Design of the proposed Project is being completed by Public Works in-house staff and as-needed consultants. Construction of the proposed Project will be completed by a qualified construction contractor through the County's competitive low-bid process.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Approval of the recommended actions will have no impact on current County services or projects.

CONCLUSION

Please return one adopted copy of this Board letter to the Chief Executive Office, Capital Projects Division; the Department of Beaches and Harbors; and the Department of Public Works, Project Management Division I and Survey/Mapping and Property Management Division.

Respectfully submitted,



WILLIAM T FUJIOKA
Chief Executive Officer

WTF:RLR:DJT
DKM:AC:zu

Attachments

c: Executive Office, Board of Supervisors
County Counsel
Beaches and Harbors
Public Works

ATTACHMENT A

October 30, 2012

**DEPARTMENT OF PUBLIC WORKS:
DAN BLOCKER BEACH - PARCEL 1-4PP
LOCATED IN THE CITY OF MALIBU
GENERAL IMPROVEMENTS PROJECT
ADOPT MITIGATED NEGATIVE DECLARATION AND
MITIGATION MONITORING AND REPORTING PROGRAM; AND
APPROVE AND ORDER PUBLICATION OF NOTICE OF INTENTION TO
PURCHASE REAL PROPERTY AND APPROVE RELATED ACTIONS
SPECS. 6622; CAPITAL PROJECT NO. 77367**

I. PROJECT SCHEDULE

Project Activity	Scheduled Completion Date
Construction Documents	10/31/12
Jurisdictional Approvals	01/31/13
Award Construction Contract	04/30/13
Construction Start	05/13/13
Substantial Completion	07/31/14
Final Acceptance	09/30/14

	Current Project Budget
Land Acquisition	\$ 410,000
Construction	
Low Bid Construction Contract	\$3,156,294
Job Order Contract	0
Change Orders	315,629
Departmental Crafts	0
Youth Employment	0
Construction Consultants	0
Misc. Expense: Utility Relocation Fees	0
Telecomm Equip – Affixed to Building	0
Civic Arts	0
Other: Utility Connection Fees	35,000
Subtotal	\$3,506,923
Programming/Development	\$ 0
Plans and Specifications	\$ 174,335
Consultant Services	
Site Planning	\$ 0
Hazardous Materials	0
Geotech/Soils Report and Soils Testing	61,345
Material Testing	50,000
Cost Estimating	3,350
Topographic Surveys	0
Construction Management	0
Construction Administration	0
Environmental	113,754
Move Management	0
Equipment Planning	0
Legal	0
Construction/Change Order	0
Other: Property Appraisal	50,100
Other: Wave Run-Up Study	40,380
Subtotal	\$ 318,929
Miscellaneous Expenditures	\$ 18,000
Jurisdictional Review/Plan Check/Permit	\$ 46,671
County Services	
Code Compliance/Quality Control Inspection	\$ 113,378
Design Review	850
Design Services	50,231
Contract Administration	35,793
Project Management	563,339
Project Management Support Services	0
ISD Job Order Contract Management	0
DPW Job Order Contract Management	0
ISD ITS Communications	0
Project Security	0
Project Technical Support	0
Office of Affirmative Action	15,000
County Counsel	0
Geotechnical Engineering Services (GMED)	5,881
Other DPW Support Divisions	240,670
Subtotal	\$1,025,142
TOTAL	\$5,500,000

ATTACHMENT B

October 30, 2012

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**MITIGATED NEGATIVE DECLARATION
(See Attachment)**

**DEPARTMENT OF PUBLIC WORKS:
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**NOTICE OF INTENTION
TO PURCHASE REAL PROPERTY**

(See Attachment)

NOTICE OF INTENTION
TO PURCHASE REAL PROPERTY

NOTICE IS HEREBY GIVEN that it is the intention of the Board of Supervisors of the County of Los Angeles, State of California to purchase approximately 32,560 square feet of undeveloped land (the "Real Property") located at 26200 Pacific Coast Highway between Corral Canyon Road and Latigo Canyon Road in the City of Malibu, County of Los Angeles, State of California for the sum of Four Hundred Thousand Dollars (\$400,000) from the fee simple owner, Mansard Holdings, Inc. (the "Seller"). It is the intent of the County to develop the Real Property with a new 15-space parking lot, a 242-square-foot restroom building, and a pedestrian beach access ramp from the bluff top down to the beach to provide improved public beach access for Dan Blocker Beach. Due to space limitations in this notice, a complete legal description of the property being acquired by the County is available at the Department of Public Works, Survey/Mapping and Property Management Division at 900 South Fremont Avenue, 10th Floor, Alhambra, California 91803.

NOTICE IS HEREBY GIVEN that the purchase of the Real Property will be consummated by the Board of Supervisors of the County of Los Angeles, State of California, on the 27th day of November, 2012, at 9:30 a.m. in the Hearing Room of the Board of Supervisors, Room 381, Kenneth Hahn Hall of Administration, 500 West Temple Street, Los Angeles, California 90012. No obligation will arise against the County and in favor of the Seller with respect to the purchase of the Real Property described herein until the Board of Supervisors approves the purchase on the named consummation date.

SACHI A. HAMAI, Executive Officer
Board of Supervisors, County of Los Angeles

By _____
Deputy

APPROVED AS TO FORM:

JOHN F. KRATTLI
County Counsel

By _____
Deputy